

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ROBERT D.,	:	
	:	
Plaintiff,	:	Case No. 3:23-cv-1
	:	
v.	:	Judge Thomas M. Rose
	:	
COMMISSIONER OF THE SOCIAL	:	Magistrate Judge Kimberly A. Jolson
SECURITY ADMINISTRATION,	:	
	:	
Defendant.	:	

**ENTRY AND ORDER OVERRULING THE OBJECTIONS (DOC. NO. 13);
ADOPTING, IN FULL, THE REPORT AND RECOMMENDATION (DOC. NO.
12) AND ACCEPTING ITS RECOMMENDED DISPOSITION; AFFIRMING
THE COMMISSIONER’S DECISION; AND, TERMINATING THIS CASE ON
THE COURT’S DOCKET**

This Social Security disability benefits appeal is before the Court on the Objections (Doc. No. 13) filed by Plaintiff to Magistrate Judge Kimberly A. Jolson’s Report and Recommendation (“Report”) (Doc. No. 12). Magistrate Judge Jolson explained in the Report that, after Plaintiff’s applications for Disability Insurance Benefits and Supplemental Security Income were denied initially and on reconsideration, the Administrative Law Judge (“ALJ”) held a hearing and subsequently denied Plaintiff’s applications, and then the Appeals Council denied review. (Doc. No. 12 at PageID 733.) Next, Plaintiff brought this action. (*Id.*)

In the Report, Magistrate Judge Jolson recommended that the Plaintiff’s Statement of Errors (Doc. No. 9) be overruled and the Commissioner’s decision be affirmed. (Doc. No. 12.) Plaintiff filed Objections (Doc. No. 13) to the Report, and, the Defendant filed a response to the Plaintiff’s Objections. (Doc. No. 14.) The matter is ripe for review.

If a party objects within the allotted time to a United States magistrate judge's report and recommendation(s), then the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The Court "may also receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.* The Court's "review of the ALJ's decision is limited to whether the ALJ applied the correct legal standards and whether the findings of the ALJ are supported by substantial evidence." *Blakley v. Comm'r of Soc. Sec.*, 581 F.3d 399, 406 (6th Cir. 2009).

The Court has made a *de novo* review of the record in this case and a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). The Court finds that the Objections (Doc. No. 13) to the Report are not well-taken and are **OVERRULED**. The Court **ACCEPTS** the findings and recommendations made by the magistrate judge, **ADOPTS** the Report (Doc. No. 12), and rules as follows:

1. The Commissioner's decision is **AFFIRMED**; and
2. This case is **TERMINATED** on the Court's docket.

DONE and **ORDERED** in Dayton, Ohio, this Friday, August 4, 2023.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE